

PDC Interpretation

APPROVAL DATE:	January 28, 2003	NUMBER:	02-04
STATUS:	Effective January 28, 2003	SUPERSEDES:	Prior Protocols
REFERENCES:	RCW 42.17.240 RCW 42.17.241 RCW 42.17.370(10) WAC 390-24 WAC 390-28 "F-1" Form (Personal Financial Affairs Statement) PDC Declaratory Order No. 7 PDC Interpretation 91-01 "Personal Financial Affairs Statement – Instruction Manual and Blank Forms"	APPROVED BY:	The Commission

Requests for Modification of the Requirements to Report Information on the Personal Financial Affairs Statement (F-1) For Judges and Judicial Candidates

Background

The Public Disclosure Commission enforces the election and campaign reporting requirements in chapter 42.17 RCW. The statutes require certain candidates and public officials to report their financial affairs on a "Personal Financial Affairs Statement" (an "F-1" form). RCW 42.17.240, RCW 42.17.241. The Commission is authorized to allow modifications or suspensions of these reporting requirements under RCW 42.17.370(10) when it finds that "literal application" of the chapter "works a manifestly unreasonable hardship" and that the suspension or modification of the reporting requirements "will not frustrate the purposes of the chapter." The Commission shall suspend or modify the reporting requirement or requirements only to the extent necessary to substantially relieve such hardship, and only upon clear and convincing proof of such claim.

The PDC has adopted rules to further identify reporting modification/suspension procedures. Those rules are in WAC 390-28. The procedures include making the request in writing, and requesting a hearing. The requester is not required to attend the hearing in person and may instead submit a written, sworn statement. The possible qualifications for obtaining a reporting modification with respect to an F-1 Form are identified in WAC 390-28-100.

In addition, due to the volume and similarity of modification or suspension requests concerning F-1 Forms from certain professions, the Commission has also developed a series of “protocols” that interpret the statute and rules with respect to those professions. The protocols enable easier consideration of such requests. Those protocols are now being provided in this single interpretation.

PDC Interpretation

Judges and Judicial Candidates Protocol

The following language is to be added to a modification that is granted to an applicant who is a judge or a judicial candidate.

1. This modification is granted on the basis that the applicant is subject to the Canons of Judicial Conduct, specifically the disqualification provisions of Canon 3(D).